

AN ORDINANCE DEFINING OFFENSES AND NUISANCES )  
RELATING TO ANIMALS; PROVIDING FOR THEIR )  
ABATEMENT; PRESCRIBING PENALTIES; REPEALING )  
CERTAIN ORDINANCES; AND DECLARING AN EMERGENCY. )

ORDINANCE BILL NO. 50  
for 1980

ORDINANCE NO. 1816

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. Ordinances No. 1291, 1494, 1498, 1552, and 1749, as amended, are hereby repealed.

Section 2. Definitions. Unless the context requires otherwise, the following mean:

(1) To run at large: A dog is "running at large" which is off or outside the premises belonging to the owner or keeper of the dog while not under complete control by an adequate leash, or upon the property of a person other than the owner without that person's permission. However, a dog off a leash in obedience, retrieving, or field training under the direct supervision of the handler in public park areas shall not be considered to be at large.

(2) Owner: A person owning or having the care, custody, or possession of an animal.

(3) Person: A natural person, firm, partnership, association, or corporation.

(4) Fowl: Includes, but not limited to, chickens, pigeons, ducks, turkeys, geese, or other domestic fowl.

(5) Animal: Includes dogs, cats, but not other common domestic house pets, but includes all animals which, because of their size or temperament may threaten persons or property if allowed to run at large, and includes but not limited to, any cow, bull, horse, mule, donkey, sheep, pig or goat.

Section 3. Animals on Streets. No person shall lead, drive, or ride any cow, bull, horse, mule, donkey, sheep, pig, or goat on public property, except upon that portion of a street where vehicular traffic is authorized.

Section 4. Pigstys, and Tanneries. No person shall maintain a pigsty or tannery within the City.

Section 5. Removal of carcasses. No person shall permit an animal carcass owned or controlled by him to remain upon public property, or to be exposed on private property for a period of time longer than twenty-four (24) hours.

Section 6. Animals, Bees, and Fowl. Except for dogs, cats, and other household pets or by permit from the City Council when there is no objection by a person residing within three-hundred (300) feet of the premises where the animals, bees, or fowl are to be kept, or where otherwise permitted by ordinance, no person shall keep or maintain animals, bees, or fowl within the City.

Section 7. Public Nuisances Related to Animals:

(1) An act or condition prohibited by this ordinance is declared to be a public nuisance and may be abated by any of the procedures, including summary abatement procedures, set forth in any other ordinances relating to nuisances.

(2) No person owning or having the control, custody, or possession of a dog shall allow the dog to be a public nuisance.

(3) The dog is a public nuisance if:

- a) it bites a person or shows a propensity to do so;
- b) habitually chases vehicles or persons;
- c) damages or destroys property of persons other than the owner of the dog;
- d) scatters garbage;
- e) habitually trespasses on private property of persons other than the owner of the dog;
- f) disturbs any person by frequent or prolonged noises;
- g) is a female in heat and running at large.

Section 8. Dogs at Large. No person owning or having the control, custody or possession of a dog shall allow the dog to run at large.

Section 9. Waste Matter. It shall be unlawful for a dog owner to allow the dog to deposit solid waste matter on any improved property other than that of the dog owner. It shall be a defense to this section if the dog owner immediately removes the solid waste.

Section 10. Impoundment and Redemption.

(1) When any dog is found running at large, or when a dog is a public nuisance, any police officer, animal control officer, or private citizen may impound it.

(2) All dogs taken up and impounded under this ordinance may be held and disposed of as provided in ORS 609.090.

Section 11. Dog Licenses. No person shall own or have charge of a dog that is not licensed in accordance with the provisions of ORS 609.100.

Section 12. Animals on Annexed Properties. Notwithstanding Section 6. above, if a person keeps or maintains animals on real property not located in the City, and such property is annexed into the City, said person may continue to keep or maintain animals on said annexed property so long as the following conditions and criteria are met and continue to be met:

(1) That the annexation was not requested by the owner of the property;

(2) That the annexed real property is owned and occupied by the owner thereof on the date of annexation and continues to be so owned and occupied;

(3) That the extent to which said real property was used or occupied by the animals on a date one year immediately preceding the date of the annexation is not, or has not been, substantially changed at any time thereafter;

(4) That no health or safety hazard to any other person would exist if animals are kept or maintained on said real property.

Section 13. Rabid Dogs.

(1) Any person in charge of a dog that he knows or has a reason believe is rabid, or that he knows has been bitten by an animal that he knows or has reason to believe is rabid, shall immediately notify the Linn County Dog Control Department.

Section 14. Killing of Certain Dogs.

(1) A dog may be summarily killed by any person if the dog constitutes an imminent threat to human life.

(2) A police officer may kill a dog when it has been injured and no owner can be determined.

Section 15. Penalty:

(1) Any person who violates this ordinance shall be punished, upon conviction, by a fine of not more than One Hundred Dollars (\$100.00).

(2) The abatement of a nuisance is not a penalty for violation of this ordinance, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance.

Section 16. Severability. The sections and subsections of this ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

Section 17. Inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of Lebanon, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council by a vote of 5 for and 0 against and approved by the Mayor this 27<sup>th</sup> day of August, 1980.

Michael F. Whiston  
Mayor

ATTEST:

Edna R. Joy  
Recorder